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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

Vol. 10

January 19, 1993

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CONTENTS

House Week in Review.....	2
Bills Introduced.....	3
House Committee Officers and Subcommittees.....	19
House Staff Directory.....	26

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Legislative Update, January 19, 1993

House Week in Review

The first session of the 110th General Assembly convened on Tuesday, January 12, with many new faces and numerous issues facing the General Assembly. The House party lineup for this session consists of 73 Democrats, 50 Republicans and 1 Independent and includes 29 members who did not serve during the 1991-1992 session. Of the 124 members in the House, 19 are women and 18 are black.

By Concurrent Resolution the General Assembly invited Governor Campbell to deliver his State of the State address on Wednesday, January 27 at 7:00 p.m. On Wednesday the House by acclamation elected Representatives George Bailey, Joe Brown, Hicks Harwell, Herbert Kirsh and Dave Waldrop to the State Reorganization Commission. The governor returned several veto messages to the House last week. Of these vetoes, the House voted to adjourn debate on most of them, though it did override one veto by a vote of 115-0 to allocate \$59,000 to Clemson's Public Service Activities for agricultural teacher education.

Legislative Update, January 19, 1993

Bills Introduced

The following bills were introduced in the House of Representatives last week. Not all the bills introduced in the House are featured here. The summaries are arranged according to the standing committee to which the legislation was referred.

Agriculture, Natural Resources and Environmental Affairs

Hydrologists (H. 3008, Rep. Rhoad). This bill would require anyone engaged or attempting to engage in the public practice of hydrology to submit evidence of qualifications and register with a newly-established State Board of Registration for Hydrologists. This new board would consist of 5 members, all appointed by the governor, with 4 of the members registered hydrologists and 1 member a lay member who is not a hydrologist. The board would hold at least 2 meetings a year.

The bill defines the public practice of hydrology and sets criteria for registering as a professional hydrologist and as a hydrologist in training. Criteria for registration for both positions requires successful completion of an exam administered by the board. The board also may revoke a hydrologist's registration.

A person licensed from outside South Carolina to practice hydrology could be licensed to practice hydrology in this state without further examination if their license was based on requirements comparable to those of South Carolina's.

Anyone practicing or attempting to practice public hydrology without being registered by the board or in a fraudulent manner would be guilty of a misdemeanor and, upon conviction, be fined \$100-\$500, imprisoned up to 3 months, or both.

The bill authorizes an out-of-state resident with no established business in South Carolina to obtain a permit from the board to practice hydrology in the state for up to 30 days a year, provided the out-of-state resident is legally qualified by registration to practice the profession in his own state or country and the requirements and qualifications for obtaining registration in that state or country are no lower than in South Carolina. If the out-of-state resident with no established business in South Carolina or a newcomer resident of South Carolina wishes to practice hydrology in South Carolina for more than 30 days a year, the requirements are the same as if the person were seeking a 30 day permit, except that to practice for more than 30 days the applicant must file an application for registration with the board along with the application fee. In this case, the practice may continue only for the time the board requires for the consideration of the application for registration.

The bill lists circumstances under which the board, during the first 5 years this act would be effective, could waive the exams required to become a registered hydrologist or hydrologist in training.

Phosphate Exemptions (H. 3022, Rep. M.O. Alexander). This bill would expand the conditions under which industries could use cleaning substances which contain phosphates. Under current law, industries are allowed to use phosphoric cleaning substances for the purposes of metal cleaning or conditioning. Under this bill, industries would be able to use phosphoric cleaning substances also for fabric or fiber cleaning or conditioning.

Smoking Restrictions (H. 3113, Rep. Sturkie). This bill would prohibit smoking in the public indoor areas of all food service establishments. The bill defines food service establishments as any entity which sells prepared meals to be consumed on the premises of the establishment.

Education and Public Works

Radar Detectors (H. 3024, Rep. Sheheen). This bill would make it unlawful to operate a motor vehicle equipped with a radar detector in South Carolina. Sales of the devices also would be unlawful. A person violating this provision would be guilty of a misdemeanor and upon conviction be fined between \$25 and \$100. This legislation authorizes the forfeiture of the radar detector, which

may be taken by the arresting officer if needed as evidence. When no longer needed, the device must be returned to the person charged with the violation or to an address he specifies. All unclaimed devices could be destroyed by court order after six months had elapsed from the final date for filing an appeal.

The presence of a radar detector in a moving motor vehicle would be considered prima facie evidence of a violation of this provision if the device was accessible or readily available at the time, whether or not the device was being used while the motor vehicle was in operation.

These provisions would not apply to motor vehicles owned by state or local governments or to law enforcement agencies and officers for use in their official duties. Additionally, the provisions would not apply to those utilizing these devices for lawful purposes to receive a signal from a frequency lawfully licensed by a state or federal agency.

Vehicle Inspections (H. 3036, Rep. Bailey). Under this bill, motor vehicles registered in South Carolina would be required to be inspected at least once every two years, as opposed to the current requirement of an annual or yearly inspection. Stations conducting these inspections would be able to increase their maximum charge for conducting this service from \$2.50 to \$9.00 and the maximum charge for issuance of the inspection certificate from 50 cents to \$1.00. Additionally, the fee for inspection forms provided to the stations by the Highway Department would increase from 50 cents to \$1.00 each.

School Attendance Requirements (H. 3091, Rep. Kirsh). Under this bill, any child who is or has been married, or any unmarried child who is pregnant or who has had a child out of wedlock would no longer be exempt from the state's mandatory school attendance law.

School Bus Safety Belts (H. 3111, Rep. Cromer). Although current state law requires drivers and occupants of motor vehicles to wear safety belts, the law exempts occupants of school buses from this requirement. This bill would remove that exemption and require that school buses be equipped with safety belts for use by all riders of school buses. These buses must be equipped with either lap belts or shoulder harnesses. The State Department of Education would promulgate regulations on the type and specification of safety belts to be installed on school buses.

Age Requirements for Drivers' Licenses (H. 3123, Rep. Young). This bill would raise the age necessary to obtain a learners' permit to drive from age 15 to age 16 and would also, with few exceptions, raise the age necessary to obtain a drivers' license from age 16 to age 17. A person under the age of 17 but at least 16 years of age could obtain a regular license only if that person had

successfully completed a high school driver training course or a driver training course conducted by a licensed driver training school and also had passed the written examination and road test required for the license. The only other license a person between the age of 16 and 17 could obtain would be a special restricted drivers' license, at a cost of \$25, for the purpose of driving to and from school or work. The Department of Highways and Public Safety would designate the times and routes during and over which the driver with this restricted license could operate the vehicle. If the driver with this restricted license operated his vehicle outside the time limits or route imposed by the license, the driver would be guilty of a misdemeanor and, upon conviction, be fined up to \$100 or imprisoned up to 30 days.

C-Fund Expenditures (H. 3148, Rep. Corning). Under this bill, county governing counties, or county councils, would have the authority to spend "C" funds allocated to their counties. This is in response to last fall's State Supreme Court ruling on control of "C" funds. Although state law requires county legislative delegations to approve projects to be funded in their counties by "C" funds, this law was declared unconstitutional by the State Supreme Court last October because the law violated the separation of powers.

Judiciary

Spousal Assault (H. 3033, Rep. Cobb-Hunter). This bill would allow, under limited conditions, evidence concerning a victim's sexual conduct to be brought up in a trial involving spousal sexual battery.

Size of Judicial Circuits (H. 3039, Rep. Scott). State law requires there be one solicitor for each of the state's 16 judicial circuits, though state law does not provide that these districts be drawn based on population size. According to the 1990 U.S. Census, the population of South Carolina's 16 judicial circuits varied widely, with the smallest circuit containing 108,981 residents and the largest circuit containing 423,815 residents. Under this bill, for the purpose of electing solicitors, the population of each judicial circuit must not have a variance of more than 10 percent. This would mean that, based on the 1990 U.S. Census figures for the state, each circuit would have a population of approximately no less than 196,000 and no more than 240,000.

Pit Bull Dogs (H. 3042, Rep. Scott). This bill would make it a misdemeanor for anyone to own or possess a pit bull dog in this state. Anyone convicted of this crime would be fined up to \$1,000, imprisoned for up to a year, or both.

Fraudulent Checks (H. 3046, Rep. T. Alexander). This bills would require anyone convicted of writing a fraudulent check, draft

or other written order of payment to provide restitution within 10 days following the date of sentencing. The court would determine the amount of restitution, and failure to make restitution as required by the court would be punishable as contempt. Restitution would be in addition to any other fines, penalties and costs imposed by the court.

Carjacking (H. 3057, Rep. Tucker). This legislation would make it a felony to commit a carjacking. Under this bill, carjacking is defined as an action in which a person, possessing a deadly weapon, takes or attempts to take an occupied motor vehicle by force or intimidation. Anyone convicted of this crime would be sentenced to not more than 15 years' imprisonment if serious bodily injury or death do not result from the crime. If serious bodily injury results, imprisonment would be for not more than 25 years, and if death results the perpetrator would be punished for murder, with the corresponding penalty of execution or life imprisonment. In determining the penalty for someone convicted of murder, the felony of carjacking would be considered an aggravating circumstance.

The bill provides definitions for serious bodily injury and deadly weapon.

Length of Session (H. 3058, Rep. Wilkins). This joint resolution seeks to amend the State Constitution to change the start of the annual legislative session from the second Tuesday in January to the second Tuesday in February and to require the Senate to hold an organizational session during years in which that body is elected.

Adjournment and Budgetary Process (H. 3059, Rep. Wilkins). This bill would change the final adjournment date of the General Assembly to the second Thursday in May. This adjournment date would not apply during any year in which the House fails to give third reading to the annual General Appropriations Bill by March 15, in which case the date of adjournment would be extended by one statewide day for each statewide day after March 15 that the House fails to give the bill a third reading. The session could also be extended by a 2/3 vote of the General Assembly. During an extended annual session, no legislation or other business could be considered except the General Appropriations Bill and any matters approved for consideration by a 2/3 vote of both the House and Senate.

Under this bill, the Board of Economic Advisors (BEA) would make its initial forecast of economic conditions in the State and state revenues for the next fiscal year by October 15 of each year, as opposed to the current date of November 10. Any subsequent adjustments to the October 15 forecast could be downward adjustments only. The final forecast for the next fiscal year, issued February 15, could be adjusted downward if BEA determined that changing economic conditions had affected the February 15

forecast.

By October 1, on an annual basis, state agencies and undertakings receiving or seeking financial aid from the State would report to the State Budget and Control Board an estimate of the amount needed for the next fiscal year. Currently state agencies and undertakings are required to file these reports annually by November 1.

House and Senate standing committees in charge of appropriations measures, sitting jointly to hold budget hearings for the ensuing fiscal year, would convene the annual initial hearing on the second Tuesday in December. Under current law, budget hearings do not begin until within five days after the Budget and Control Board submits the budget to the General Assembly.

Any state agency desiring to request supplemental appropriations from funds not expended the previous fiscal year would submit its requests to the Budget and Control Board by February 1 of each year. No supplemental appropriations could be included in the annual General Appropriations Act.

Reckless Endangerment (H. 3069, Rep. Rudnick). This bill would establish the crime of reckless endangerment. A person who needlessly causes harm to or disregards the safety of another person would be guilty of the misdemeanor or reckless endangerment and, upon conviction, fined a maximum of \$5,000, imprisoned a maximum of 3 years, or both.

Initiative Petition (H. 3070, Rep. Rudnick). This proposed constitutional amendment would allow voters to enact laws and constitutional amendments by means of petition. Before a law or amendment could be put on the ballot through the process of petition, several requirements would have to be met: The initiative petition would have to contain a full and correct title and text of the proposed law or amendment and be signed by at least 8 percent of those qualified electors eligible to vote at the last general election. Criteria is provided for verification of signatures of the petition. The petition would have to be presented to the State Election Commission at least 60 days prior to a general election. If the Commission determined that the petition conforms to these requirements noted above, then the Commission would submit the proposed law or constitutional amendment to the state's qualified electors at the next general election. If during a general election a majority of voters cast ballots in favor of the proposed law or constitutional amendments, then the approved law becomes a law of the state and the proposed constitutional amendment becomes a part of the State Constitution. Upon receiving certification of the results from the State Election Commission, the Code Commissioner would assign the law or constitutional amendment to an appropriate place in the Code of Laws or the State Constitution.

Absentee Balloting (H. 3081, Rep. Simrill). This legislation

would lower the age for qualifying to cast an absentee ballot from age 72 to age 65.

Public Bodies (H. 3090, Rep. Kirsh). In the State Freedom of Information Act, the definition of "public body" includes South Carolina's state government, political subdivisions (e.g., counties, municipalities, etc.), state agencies and boards, organizations, corporations or agencies supported at least partially by public funds, and the state's quasi-governmental bodies and political subdivisions (e.g., South Carolina Public Service Authority and South Carolina State Ports Authority). This bill would expand the definition of "public body" to include an affiliated public charity operating for the benefit of a public body. This would include, but not be limited to, a separately chartered corporation dependent on charitable giving, which would include foundations.

Nonpartisan County Elections (H. 3109, Rep. Waites). Under this legislation, a county could choose to elect the members of its governing body in a nonpartisan election. The bill provides three alternative methods to nominate candidates for and to determine the results of its nonpartisan election:

(1) Elections could be conducted through the plurality method, in which the candidate winning the most votes in a contest for a single office is declared the winner. If persons are seeking election to 2 or more offices (constituting a group) than there are offices to be filled, under this method those candidates receiving the highest number of votes, equal in number to the number of offices to be filled, are declared elected.

(2) Elections could be conducted through the majority procedure, in which a candidate for a single office would need a majority before being declared elected. If no candidate received a majority in the first election, a runoff, or second election, would be held between the top 2 vote getters, and whoever of the 2 candidates obtains a majority would be declared elected. The requirement of a vote majority could also apply to situations in which people are seeking election to 2 or more offices. The bill describes the procedure under which a majority can be declared in situations involving multiple offices and candidates

(3) Elections could be conducted through use of the primary and general election method, in which primaries would be held if there were more than 2 people running for a position. The primary election would reduce the number of candidates to 2 for each position. No primary need be held if a position had only 2 candidates seeking that office. A general election would then determine the winner of those positions.

The bill states that if any nonpartisan county election resulted in a tie, a runoff election, with the laws of the state applying, would be held 2 weeks later.

LSD Trafficking (H. 3112, Rep. Wilkins). Under this legislation, anyone who manufactures, distributes, possesses or purchases 100 tablets, capsules, dosage units or the equivalent quantity of lysergic acid diethylamide (LSD) is guilty of the felony "trafficking in LSD" and upon conviction must be punished by imprisonment and fines. Under this bill, punishment for LSD trafficking would depend on the quantity of LSD involved and the number of instances the offense had been committed, but regardless of the punishment no one sentenced as provided by this bill could have his sentence suspended or be granted parole. Listed below are the range of punishments for trafficking in LSD:

(1) For LSD trafficking involving at least 100 but less than 500 dosage units or the equivalent quantity, a first offense would result in imprisonment of 3 to 10 years and a fine of \$20,000. A second offense would result in 5 to 30 years' imprisonment and a fine of \$40,000. A third or subsequent offense would result in imprisonment of 25 to 30 years and a fine of \$50,000.

(2) For LSD trafficking involving at least 500 but less than 1,000 dosage units or the equivalent quantity, a first offense would result in 7 to 25 years' imprisonment. A second offense would entail 7 to 30 years in jail and a \$50,000 fine. A third or subsequent offense would result in 25 to 30 years' imprisonment and a \$50,000 fine.

(3) LSD trafficking involving 1,000 or more dosage units or the equivalent quantity would result in 25 years' imprisonment and a fine of \$100,000.

State Lottery (H. 3117, Rep. Williams). This proposed constitutional amendment would authorize the establishment of a state lottery. No other lottery except one conducted by the State would be authorized. The revenues from the state lottery would be paid into a state lottery fund, the proceeds of which would be invested by the state treasurer and interest earned from investment of the proceeds would remain a part of the lottery fund. Lottery revenues would be expended in the following manner:

(1) No more than 15 percent of yearly lottery revenues could be used for the lottery's operational expenses;

(2) 50 percent of revenues would be expended as prizes.

(3) Of the remaining revenues, one-half would be used for education, including educational capital needs and equipment, while the other half of the revenues would be used for elderly and indigent care, including the state's share of Medicaid funds.

This amendment would not affect the current status of Bingo, which is authorized by the State Constitution under limited conditions.

Executive Cabinet (H. 3119, Rep. Wilkins). This joint resolution seeks to amend the State Constitution so as to authorize creation of an Executive Cabinet. This resolution states that by January 15, 1997, the General Assembly will provide for an executive cabinet of the Governor. This cabinet would consist of no more than 15 members as heads of departments "organized as far as

practicable according to major purposes and functions as determined by the General Assembly." Department heads in the cabinet would be appointed by the governor, with the advice and consent of the General Assembly, and these department heads would serve at the governor's pleasure, with compensation as provided by law. Anyone, individually or collectively, contributing over a year \$1,000 or more to the Governor could not be appointed to the cabinet.

Agencies or departments of the executive branch of state government included in the executive cabinet would perform their functions and responsibilities under the auspices and supervision of the cabinet department head under whose jurisdiction they come. No legislative or judicial branches, agencies or functions would be part of the executive cabinet's jurisdiction, and nothing in this joint resolution would affect the powers or duties of the state's constitutional offices.

Interlocking Devices (H. 3134, Rep. Snow). This bill would authorize a court to require anyone convicted of DUI to install an ignition interlocking device on the operator's vehicle. This device is designed to prevent the operation of a motor vehicle if the operator has consumed alcoholic beverages. The court would specify the length of time for which the device would be affixed to the vehicle and would require the defendant to bear the cost of the device. The offender also would be required to report periodically to law enforcement or probation officials for the purpose of verifying that the device is affixed to his vehicle. The requirement of installation of this device would be in addition to any other penalties imposed for the offense.

Underage Drinking (H. 3138, Rep. Corning). This bill would authorize the Department of Highways and Public Transportation to suspend the driver's license of anyone under the age of 21 operating a motor vehicle with a blood alcohol content in excess of .03 percent. Anyone under this age arrested for a traffic offense could be ordered by the law enforcement officer to be tested for the presence of blood alcohol.

The bill describes the procedures for conducting tests to determine the presence of blood alcohol. If the person arrested for the traffic offense declines to be tested, his license, permit to drive or nonresident's operating privilege would be suspended for 6 months. If the defendant under arrest consents to testing and it is revealed that his blood alcohol content is in excess of .03 percent, his license, permit to drive or any nonresident operating privilege also would be suspended for 6 months. If the test registers a blood alcohol content in excess of .03 percent or if the person refuses to be tested, the arresting officer would seize the license and forward it to the Highway Department. The period of suspension would begin when the arresting officer takes possession of the license.

The driver whose license had been suspended could request an administrative hearing on the suspension. If the driver fails to request a hearing, the suspension becomes final. If the driver

fails to appear at the hearing without just cause, his right to a hearing is waived and the determination of the Department based on the officer's report is final. If the Department rescinds the suspension, the license must be returned. The bill describes the criteria to be considered at administrative hearings when a suspension is contested.

A person required by the law enforcement officer to submit to tests for blood alcohol must be provided a written report of the incident. Under this bill also, a person whose license had been suspended would not be required to provide liability insurance for his automobile.

The suspension of one's license under this bill would be in addition to any other penalties which may be imposed for the traffic offense.

Increased Sentences for Violent Offenders (H. 3140, Rep. Wofford). This bill would increase the sentence of anyone convicted of using a knife or firearm in the commission of a violent crime from 5 to 15 years. This term would run consecutively, following the sentence imposed for committing the crime.

Criminal Domestic Violence (H. 3146, Rep. Meacham). This bill would incorporate the elements of common law assault and battery of a high and aggravated nature into the offense of criminal domestic violence of a high and aggravated nature. This would apply when someone causes or attempts to cause physical harm to his or her family or household member. A person guilty of criminal domestic violence of the first degree, upon conviction, would be fined not more than \$200 or imprisoned not more than 30 days. The court, however, could suspend all or part of the sentence and place the offender on probation if (1) the offender participated in a program designed to treat battering spouses or underwent other counseling; (2) the offender fulfilled all obligations arising out of a court-ordered protective, restraining or related order.

A person who commits the offense of criminal domestic violence (CDV) after a first conviction would be guilty of CDV of the second degree and, upon conviction be fined up to \$3,000, imprisoned up to 3 years, or both. A conviction for CDV a third time, CDV of the 3rd degree, would be imprisoned for up to 10 years. Anyone who commits the crime of criminal domestic violence with intent to kill is guilty of criminal domestic violence in the first degree and upon conviction must serve up to 20 years' imprisonment.

For the purpose of this offense, the definition of "family or household member" is expanded to include persons cohabitating or formerly cohabitating.

Primary Dates (H. 3147, Rep. Corning). Under this bill, the date of the state's party primaries would change from the current 2nd Tuesday in June to the 4th Tuesday in August. Second (2nd) and 3rd primaries, or runoffs, would follow 2 weeks successively, if necessary. Filing dates for the August primary would change from March and April to June. Also, political parties would have to

certify the winners of their primaries by September 18 so that the nominees appear on the November general election ballot. For municipal or special elections, the primary results would have to be certified at least 30 days prior to the election.

Labor, Commerce and Industry

Mental Illness Coverage (H. 3012, Rep. P. Harris). This bill would require anyone selling a group health insurance policy to offer optional coverage for mental illness. The bill defines mental illness and requires that this coverage be provided to at least the same extent and degree as coverage provided by the policy for the treatment of physical illness. The bill does not prohibit insurers from issuing a health insurance policy which provides benefits greater than this bill's minimum requirements or issuing benefits generally more favorable to the insured than those required by this bill. A health insurance plan which provides or offers to provide benefits for mental health expenses as required by this bill is exempt from several insurance regulations governing rate increases for small businesses and employers.

Auto Insurance Discount (H. 3017, Rep. P. Harris). This bill would authorize the issuance of credits, or a discount, for the auto insurance policy of a driver who has successfully completed an approved driver training course. The amount of the credit could be determined by each insurer, based on factually or statistically supported data, and would be subject to prior approval from the state insurance commissioner. The discount would be in effect for 36 months following the date of the successful completion of the approved driving course.

The bill defines approved driver training course and states that this credit would not apply to drivers under the age of 25, as drivers under 25 are subject to discounted auto insurance premiums under a separate youthful

ABC Commission (H. 3025, Rep. Tucker). This bill would abolish the State Alcoholic Beverage Control Commission (ABC Commission) as a separate agency or department of state government. The powers, duties, functions, rights and privileges of the ABC Commission existing as of July 1, 1993 would be transferred to the State Law Enforcement Division (SLED), which would operate a Division of Alcoholic Beverage Control for the purpose of administering all the provisions of law formerly administered by the ABC Commission. The terms of the members of the ABC Commission would be terminated. All property of the ABC Commission devoted prior to July 1, 1993 to exercising the powers, duties, functions, rights and privileges transferred to SLED's Division of Alcoholic Beverage Control would be transferred to that division. Additionally, all of the ABC's personnel engaged prior to July 1, 1993 to exercise those powers, duties, functions, rights and privileges and considered by the State Budget and Control Board to be necessary for the proper

functioning of the Division of Alcoholic Beverage Control would be transferred to that division.

The bill would require that wherever the term "South Carolina Alcoholic Beverage Control Commission" or its derivative appears in the 1976 code, the term must be construed to mean SLED acting through its Division of Alcoholic Beverage Control.

All powers and duties under state law concerning the regulation of alcoholic beverages and beer and wine would be vested with SLED, acting through its Division of Alcoholic Beverage Control. The State Tax Commission, however, would continue to administer and collect taxes relating to alcoholic beverages and beer and wine. SLED's Division of Alcoholic Beverage Control would not be allowed to regulate beer signs displayed on the premises of any retail or wholesale beer dealer.

The Division of Alcoholic Beverage Control would be authorized to employ eleven investigators and other administrative personnel, functioning under the control of SLED, necessary to enforce regulations governing alcoholic beverages, beer and wine in South Carolina. No member or employee of SLED would be allowed, directly or indirectly, to seek personal gain from the agency's regulation of alcoholic beverages, beer and wine in this state.

SLED would be authorized to issue regulations as necessary to carry out its duties imposed by law pertaining to regulation of alcoholic beverages, beer and wine. These regulations, when promulgated, would have the full force of law. All regulations promulgated by the ABC Commission as of July 1, 1993 would remain in effect until modified or rescinded by SLED.

Required Health Policy Coverage (H. 3068, Rep. Whipper). Under this bill, any insurer authorized to issue an individual or group accident and health or health insurance policy in South Carolina would be required to include coverage in the policy for mammograms and pap smears. The bill defines mammogram and pap smears and the frequency under which examinations for the purpose of detecting these conditions may be conducted. The bill also would require insurers to include coverage in policies they issue for prostate cancer examinations, screenings and laboratory work for diagnostic purposes. The bill defines the diagnostic procedures which must be included in the policy and states that at a minimum they must be provided for men 50 years of age and older.

Coverage for mammograms, pap smears and prostate cancer as required by this bill could not contain any exclusions, reductions or other limitations as to coverages, deductibles or coinsurance provisions unless those provisions applied generally to other similar benefits provided or paid for under the accident and health or health insurance policy.

Nothing in this bill would be construed to prohibit insurers from issuing policies which provide greater benefits than those required in this bill or to prohibit insurers from offering benefits more favorable to the insured than those required in this bill.

This bill would apply to individual and group accident and health and health insurance policies issued by a fraternal benefit society, a nonprofit hospital service corporation, a nonprofit medical service corporation, a health care plan, a health maintenance organization or any similar entity.

Auto Policy Reduction (H. 3108, Rep. Cromer). This bill would require auto insurers to charge a lower premium for an auto insurance policy when the principal operator of the insured automobile is insured under the policy, is at least age 55, and has successfully completed a motor vehicle accident prevention course. The bill states that the course must be approved by the South Carolina Department of Highways and Public Transportation and the course must consist of at least 8 hours of classroom instruction.

The premium would be effective for three years after successful completion of the course, except that the insurer, as a condition of providing and maintaining the reduction, could require that the insured not be involved in a "chargeable accident." Under current law, a "chargeable accident" is defined as one which results in bodily injury to any person in excess of \$300 per person, death or damage to the property of the insured or other person in excess of \$750. An approved course must be completed successfully every 3 years in order for the insured to be eligible for the reduction.

This reduction would not apply if participation in the course is required by a court as a result of a driving violation.

Medical, Military, Public and Municipal Affairs

Board of Medical Examiners (H. 3049, Rep. Cromer). This bill would delete the requirement that members of the State Board of Medical Examiners practice medicine in the congressional districts they represent on the Board. The bill also deletes obsolete language pertaining to initial appointments to the Board.

Parole for Violent Offenders (H. 3152, Rep. Wofford). This bill would prohibit the granting of parole to anyone convicted of a violent crime. Currently under state law, parole is not granted to anyone serving a second or subsequent sentence for a violent crime.

Ways and Means

Appropriations Limit (H. 3010, Rep. Carnell). This bill would require that General Fund appropriations in the annual general appropriations act not exceed the base revenue estimate. The base revenue estimate is defined as the lesser of the following:

(a) The total of recurring general fund revenues collected in the calendar year completed before the General Assembly first considers the annual general appropriations bill; or

(b) The total of recurring general fund revenues collected in the calendar year completed before the General Assembly first considers the annual general appropriations bill plus 50 percent of the sum by which the general fund revenue estimate of the Board of Economic Advisors (BEA) for the upcoming fiscal year exceeds the collection of recurring general fund revenues for the previous calendar year. As an example of how this would work, if in the previous calendar year \$3 billion in recurring general fund revenues was collected, and the BEA projected \$3.5 billion for the upcoming fiscal year, then the base revenue estimate under this method would be \$3.25 billion.

(c) the general fund revenue estimate of the Board of Economic Advisors for the upcoming fiscal year.

The base revenue estimate could be increased by the General Assembly only if the Board of Economic Advisors certifies in writing the availability of the increased revenues. Surplus revenues could be appropriated by the General Assembly only in the legislative session following the end of the fiscal year in which the surplus occurred, and only for nonrecurring purposes.

Home Purchase Savings Accounts (H. 3023, Rep. Sheheen). This bill would authorize the creation of individual housing accounts, the purpose of which would be to help individuals or couples save for the purchase of their first principal residence. On a yearly basis, individuals could deposit \$2,000 (\$3,500 if filing jointly) into these trusts, which must be held at banks, building and loans or credit unions. These amounts would be deductible for the purpose of paying state income taxes. Over its lifetime, no individual housing account could accumulate over \$12,000, exclusive of interest paid or accrued on the account, and no individual or couple filing jointly could deduct more than \$12,000 over the lifetime of the account for state income tax purposes. No tax deduction would be authorized for any amount deposited in this account for less than 6 months.

If distributions from an individual housing account are not used for the purpose of obtaining a first principal residence, then the individual's tax liability must be increased by 10 percent of the amount of the distribution which is included in his taxable income for the taxable year. This liability would not apply if the individual was dead or dying or disabled. A 6 percent tax is imposed on the value of contributions to the account which are in

excess of \$2,000 yearly (\$3,500 if filing jointly).

Mandate Funding (H. 3110, Rep. Waites). This bill expands the criteria under which counties may seek reimbursement for state mandates. Currently, when the General Assembly passes a law which requires the use of county equipment, facilities or personnel, the state department or agency responsible for administering that law must provide from its own appropriations sufficient funds for the county to implement the law. This does not apply, however, to construction or improvement to county capital improvements or other permanent facilities required by that law or regulations promulgated pursuant to the law.

Under this bill, a state law which imposes any direct service or cost obligation on the county, or requires the use of county equipment, facilities or personnel or the expenditure of county funds to initiate or expand service programs, would be effective in that county only if the General Assembly, through annual appropriation, provides for the State's assumption of the cost, exclusive of incidental local administrative costs. Any state law passed which grants or increases exemptions from county property taxation would be effective in a county only if the General Assembly provides an annual State appropriation to each county of any loss of taxes resulting from the exemption. Additionally, any administrative rule or regulation resulting in the imposition of additional costs upon a county would not be effective unless the General Assembly has, by annual appropriation, provided for the State's assumption of the cost, exclusive of incidental local administration expenses.

The bill authorizes the governing body of a county, the chairman of a legislative committee or the House's presiding officer to request that the Budget Division of the State Budget and Control Board determine whether costs imposed by the State by law, rule or regulation on a county or counties have been fully paid for the preceding year and if not, the deficiency in those payments. The governing body of a county could petition its county court of common pleas seeking reimbursement from the State if the State failed to provide reimbursement for a general law, rule or regulation of any state agency which requires the county to expend funds in anticipation of state reimbursement, imposes additional costs on the county or grants or increases exemptions from county property taxation. The deficiency amount as determined by the Budget Division of the State Budget and Control Board would be prima facie evidence of the amount necessary for reimbursement. The court of common pleas would determine the amount of any deficiency present and order the county exempt from the law, rule or regulation of any state administrative agency until the State reimburses the deficiency or additional costs or repeals the exemption from county property taxation.

The bill gives county governing bodies the option of accepting the provisions of any law, rule or regulation of any state administrative agency if accompanying state funding is not provided. This bill would not apply to costs to counties or

exemptions to local county property taxation resulting from a decision of a court of competent jurisdiction.

Finally, the bill requests the State Budget and Control Board's Budget Division to prepare and submit to the governor and General Assembly a report detailing the estimated financial effect of all laws, rules and regulations of any state administrative agency, whether passed by the General Assembly or promulgated by a state agency in the preceding legislative session, which requires a county to expend funds, imposes additional costs on a county or grants or increases exemptions from county property taxation.

Homestead Tax Exemption (H. 3114, Rep. Sturkie). Under this bill, the first \$30,000 of the fair market value of the home of someone who is age 65 or older, legally blind or totally and permanently disabled is exempt from assessment for property taxes. Currently the exemption applies to the first \$20,000 of the home's fair market value.

Zero-Based Budgeting (H. 3128, Rep. Keegan). This bill would provide for zero-based budget review of numerous state agencies, boards, commissions, departments and institutions. The bill lists the state organizations whose budgets would be reviewed on a zero-based basis. The review would be conducted by a joint legislative committee named the Joint Committee for Budget Review, and this committee would consist of members of the House Ways and Means and Senate Budget Committees.

Organizations subject to zero-based review of their budgets would be given at least 15 days' notice from the Joint Committee for Budget Review prior to the review. At the review, each organization would provide a detailed analysis by budget classification of funds required for recurring expenses and for anticipated additional expenses. Each organization would justify all of its recurring expenses for the current fiscal year and new or additional expenses proposed for the succeeding fiscal year if the agency has requested new or additional funding from the State Budget and Control Board.

Reviews of organizations under this bill would be conducted every 8 years on a staggered basis. For instance, one organization would be reviewed in the first year following the bill's passage and then 8 years later; another organization would be reviewed in the second year following the bill's passage and then 8 years later, and so on. Reviews would be conducted between September 1 and December 1 in odd-numbered years and between July 1 and October 15 in even-numbered years. The joint committee would report its findings from these reviews to the House Ways and Means and Senate Finance Committees.

Legislative Update, January 19, 1993

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